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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,143	01/29/2004	Pascal Charroppin	945-011671-US (PAR)	4295
2512	7590	03/18/2008	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			SALLIARD, SHANNON S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/767,143	Applicant(s) CHARROPPIN, PASCAL	
	Examiner SHANNON S. SALIARD	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Applicant has amended claim 5 and newly added claims 11 and 12. No claims have been cancelled. Thus, claims 1-12 remain pending and presented for examination.

Response to Arguments

2. Applicant's arguments filed 20 December 2007 have been fully considered but they are not persuasive.

3. Applicant argues (with respect to claims 1 and 5) that Baum teaches that the first table is automatically updated by the second table without any action from the operator which is a contradistinction to the subject matter of the present claims. However, Examiner notes that nowhere in the claim limitations is there a requirement for an update to take place *only* when action is taken by the operator. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims, *See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)*.

4. Applicant further argues (with respect to claims 1 and 5), "in Baum, the comparison relates only to the application date, and not, as in the presently claimed subject matter, to the postal tariffs". However, Examiner submits that Baum et al discloses, "For example, the storage of the postage fee schedule tables can be realized within the non-volatile memory in the special memory area that are provided, The postage fee schedule tables can be separately stored in a non-volatile memory...The

fee schedule table which will be valid in the future is stored in the memory area accordingly established therefor and the currently valid fee schedule table is correspondingly stored in the separately provided memory area.” [col 6, lines 34-54].

Thus, Baum et al discloses a first and second fee schedule table. Baum et al further discloses, “The microprocessor is programmed for checking the stored conversion date of the postage date of the postage meter machine on the basis of the current date stored in the clock/date module and for processing using the old (current) postage fee schedule tables when the current date falls short of the conversion date or, otherwise, for communicating an instruction to implement the conversion.” [col 8, lines 53-63].

Thus, Baum et al teaches that when a date of application of the second table (i.e., conversion date of the new postage fee schedule table) is earlier than (i.e., falls short of the conversion date) a desired date of franking (i.e., current date), the first postage fee schedule is used (i.e., old or current fee schedule). This means that there is no update in which postage fee schedule is being utilized. Likewise, in the claimed subject matter and as disclosed in Figure 3 of the current application, no change in the postage fee schedule fee that is currently in use takes place when the current date is earlier than the application date. Since the conversion date is associated a particular fee schedule, Baum et al reasonably teaches “comparing postal tariffs”.

5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Baum et al discloses updating postage tariffs by a comparison of postage tables [col 8, lines 53-63] and Sansone et al discloses periodically checking if postal rates are updated [col 8, lines 53-63]. Sansone et al further discloses raising an alarm if there is an anomaly [col 8, lines 54-67]. Sansone et al was only relied upon for alerting someone that something is not as it is supposed to be. Since Baum et al teaches the old elements of comparing information in postage table in order to determine if an update is needed and Baum et al teaches the old elements of alerting someone when something is not as it should be (in this case, the tables are not up-to-date), it would have been obvious to one of ordinary skill in the art to include in the postage tariff system of Baum et al the ability to emit an alarm when postage rates are not updated as taught by Sansone et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable, see *KSR International Co. v. Teleflex* 82 USPQ2d 1385.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-3, 6, and 9-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al [US Patent 7,103,583] in view of Sansone et al [US Patent 5,008,827].

As per **claims 1 and 5**, Baum et al discloses a first table of postal tariffs relative to postal products and services and a processing unit for updating these postal tariffs, wherein said RAM further comprises a second table of postal tariffs and said processing unit comprises means for comparing said postal tariffs of the first and second tables [col 7, lines 36-61; col 6, lines 14-17]. Baum et al does not explicitly disclose emitting to the operator of the franking system a message alerting to the expiration of tariffs when a date of application of said postal tariffs of said second table is identical to or earlier than a desired date of franking and when one of said compared postal tariffs has been changed. However, Baum et al discloses sending an instruction to communicate an update to a tariff table if the table is not up-to-date [col 8, lines 53-62]. Further, Sansone discloses checking for compliance with postal rules and regulations to determine that the unit has the last, and most recent, rates programmed into the local user unit [col 9, lines 45-50]. Sansone further discloses that that the status of local registers are checked and an alarm condition raised if an anomaly is detected [col 8, lines 54-67]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baum et al to include the method disclosed by Sansone et al so that the postal service does not lose revenue.

As per **claim 2**, Baum et al further discloses wherein said second table of postal tariffs is loaded in the franking system at a periodicity defined by the Postal Service [col 9, lines 22-25].

As per **claim 3**, Baum et al further discloses wherein said second table of postal tariffs is loaded in the franking system from a remote resetting centre [col 3, lines 6-7].

As per **claim 6**, Baum et al further discloses wherein the new postal data are stored at the location of the current postal data when the operator has accepted the updating of these postal data [col 4, lines 12-22].

As per **claim 7**, Baum et al further discloses wherein the current postal data are stored in a blank part of the RAM, to be kept for control purposes [col 6, lines 14-17].

As per **claim 8**, Baum et al does not disclose wherein the emission of the message alerting to the expiration of tariffs is inhibited by the operator except for the first such message after the franking system has been put into operation. However, Sansone et al discloses alarming an operator as to out of date fee schedule and the data is only changed after the check [col 8, lines 54-67]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baum et al to include the method disclosed by Sansone so that a user is not undercharged for a particular mail piece.

As per **claim 9**, Baum et al discloses wherein the postal data comprise postal tariffs [col 8, lines 53-55].

As per **claim 10**, Baum et al further discloses wherein the postal data comprise postal products and services [col 8, lines 53-55].

As per **claims 11 and 12**, Baum et al does not explicitly disclose wherein said comparing means provides for a determination as to whether there is a change in postal data being compared, and said device further comprises means for emitting the alert message to the operator upon a determination that there is a change in the postal data. However, Baum et al discloses a conversion date associated with a fee schedule table and sending an instruction to communicate an update to a tariff table if the table is not up-to-date [col 8, lines 53-62]. Further, Sansone discloses checking for compliance with postal rules and regulations to determine that the unit has the last, and most recent, rates programmed into the local user unit [col 9, lines 45-50]. Sansone further discloses that that the status of local registers are checked and an alarm condition raised if an anomaly is detected [col 8, lines 54-67]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baum et al to include the method disclosed by Sansone et al so that the postal service does not lose revenue.

8. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al [US Patent 7,103,583] in view of Sansone et al [US Patent 5,008,827], as applied to claim 1, and in further view of Bass et al [US 6,041,319].

As per **claim 4**, Baum et al and Sansone et al do not disclose wherein said second table of postal tariffs is loaded in the franking system whenever credit is reloaded. However, Bass et al. does disclose that variations to the billing methods of the system may be made depending on the specific needs or practical application of a

particular embodiment. (Col. 8, lines 1-25). Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to perform the comparison between use and system databases and update rate tables during the times when a connection is made to add credit to the franking system. The motivation for this embodiment would that a connection (through a phone number, modem or otherwise) has already been made between the customer and service to add credit to the franking system and in light of convenience, efficiency, and in order to be sure the proper rates are always present on the customer system it would be obvious to transfer updated rate tables at the same time.

As per **claims 11 and 12**, wherein said comparing means provides for a determination as to whether there is a change in postal data being compared, and said device further comprises means for emitting the alert message to the operator upon a determination that there is a change in the postal data.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANNON S. SALIARD whose telephone number is (571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Hand delivered responses should be brought to the Customer Service Window,
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